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CIA OPERATIONS CENTER

NEWS SERVICE

Date. 14 Jan 77
Item No. 4
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The attached adds to preceding item.

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R W BYLBYLWYF
&BC-CIA Mail Openings; 1st Add; a216LK410
&WASHN: York City.

In addition to opening mail in New York City; the report said; the CIA also ran a West Coast operation in which more than 2;100 pieces of mail from China were opened between 1969 and 1971. Any prosecution on that operation is barred by the statute of limitations; the department said.

In 1958; the report said; CIA officials asked FBI counterparts if they had any interest in the mail opening program. With the late FBI director J. Edgar Hoover's approval; the FBI gave the CIA names and categories of people and organizations in which it had an espionage or counterespionage interest.

''Such lists were used as additional guides by the CIA in making selections from the United States-Soviet mail that passed through the CIA checkpoint;'' the report said.

Twice during the early 1960s; the Justice Department was prosecuting cases which if brought to trial would have relied upon FBI mail openings; the report said.

Both times prosecution was halted. It is not clear whether prosecutors feared the evidence would be excluded as being illegally obtained or out of concern that the mail opening project would be exposed.

(over)

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WHICHEVER; THE REPORT SAID; ''THE EFFECT WAS THE SAME; IT ALLOWED THE PROGRAMS TO GO ON AS BEFORE; AND IT (THE DEPARTMENT) DID NOT INSTRUCT THE FBI OR THE CIA TO CEASE OPENING MAIL.''

IN RELEASING THE REPORT; JUSTICE DEPARTMENT LAWYERS DID NOT IDENTIFY ANY OF THE CIA EMPLOYES WHO ACTUALLY OPENED MAIL TO OR FROM U.S. CITIZENS. JUSTICE OFFICIALS DECLINED TO ANSWER QUESTIONS ON THE REPORT.

IN EXPLAINING THE DECISIO
N NOT TO PROSECUTE; THE REPORT SAID ''THE DEPARTMENT DOES NOT NOW BELIEVE IT COULD PROVE BEYOND A REASONABLE DOUBT THAT THE POTENTIAL DEFENDENTS ARE CRIMINALLY RESPONSIBLE FOR THEIR PARTICIPATION IN THE MAIL OPENING PROGRAM.''

IT SAID THE CIA EMPLOYES WHO OPENED THE MAIL BELIEVED THEY WERE DOING SO ''WITH PRESIDENTIAL AUTHORIZATION.''

IN ADDITION; THE REPORT CITED THE LACK OF WRITTEN DOCUMENTATION; THE LAPSE OF TIME; FADING MEMORIES AND THE DEATHS OF KEY PARTICIPANTS.

NOT UNTIL THE LAST SEVERAL YEARS; THE REPORT SAID; HAS IT BEEN CLEAR THAT THE MAIL OPENINGS WERE NOT JUSTIFIED BY THE NEEDS OF NATIONAL SECURITY AND THUS WERE ILLEGAL.

''WHAT REALLY STANDS INDICTED AS A RESULT OF . . . THE DEPARTMENT'S INVESTIGATION . . . IS THE OPERATION OF THE GOVERNMENT AS AN INSTITUTION; SPECIFICALLY ITS FAILURE TO PROVIDE ADEQUATE GUIDANCE TO ITS SUBORDINATE OFFICIALS; ALMOST CONSCIOUSLY LEAVING THEM TO 'TAKE THEIR 7HANCES' IN WHAT WAS AN EXTREMELY UNCERTAIN LEGAL ENVIRONMENT;'' THE REPORT SAID.

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